

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

In re:

USA GYMNASTICS,¹

Debtor.

Chapter 11

Case No. 18-09108-RLM-11

**OBJECTION OF THE ADDITIONAL TORT CLAIMANTS COMMITTEE
OF SEXUAL ABUSE SURVIVORS TO TIG INSURANCE COMPANY'S
MOTION TO COMPEL DISCOVERY FROM THE ADDITIONAL TORT
CLAIMANTS' COMMITTEE OF SEXUAL ABUSE SURVIVORS**

The Additional Tort Claimants Committee of Sexual Abuse Survivors (the “Survivors’ Committee”) appointed in the above-captioned case under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) of USA Gymnastics (the “Debtor”) hereby submits its objection to the *TIG Insurance Company’s Motion to Compel Discovery from the Additional Tort Claimants’ Committee of Sexual Abuse Survivors* [Docket No. 1706] (the “Motion”). In further support of its objection, the Survivors’ Committee states as follows:

OBJECTION

1. The Court should deny TIG Insurance Company’s (“TIG”) Motion on the bases that the discovery is unnecessary and irrelevant. TIG brought its Motion on shortened notice, and the Survivors’ Committee is responding herein. However, given that the Survivors’ Committee was given less than 24 hours’ notice to reply, the Survivors’ Committee reserves the right to respond in greater depth if the Court believes it is necessary to respond in detail to the Motion.

¹ The last four digits of the Debtor’s federal tax identification number are 7871. The location of the Debtor’s principal office is 130 E. Washington Street, Suite 700, Indianapolis, Indiana 46204.

2. The Survivors' Committee asserts that TIG has no standing to seek the discovery it promulgated. Moreover, much of the negotiations of Plan terms were conducted during mediation and are not discoverable or admissible. Finally, many of the documents that TIG requested are clearly subject to the attorney-client privilege or are work-product. TIG promulgated discovery demanding responses in less time than required under applicable discovery rules. Nevertheless, the Survivors' Committee responded to the discovery. The Survivors' Committee, through its counsel, also met and conferred with TIG regarding the discovery.

3. Based on the meet and confer, TIG's discovery requests and the Motion, it is clear that TIG's issues relate to whether the language of the Plan is "insurance neutral." Those issues are all based on the plain language of the Plan – which speaks for itself. To the extent TIG wishes to raise these issues as objections to the Plan, it should either try to address the issues informally or file an objection to the Plan.

4. TIG asserts that the plan proponents' opinion on the meaning of various plan terms is necessary to allow TIG to understand the Plan. That is preposterous. TIG is represented by competent, experienced counsel who can easily read and understand the Plan. TIG has the ability to object to the terms of the Plan without needless discovery.

5. Notably, TIG first provided comments to the language of the Plan after the meet and confer with the Survivors' Committee. The comments were provided only after Survivors' Committee counsel invited TIG to engage in discussions rather than exchanging discovery on matters involving Plan terms (as opposed to contested facts). Rather than allow TIG to conduct a wasteful and pointless discovery campaign, the Court should deny the Motion.

6. TIG also filed a similar motion regarding the discovery request it sent to the Debtor. On November 30, 2021, the Debtor filed its *Objection to TIG Insurance Company's Motion to Compel Discovery from Debtor* (the "Debtor's Objection") [Doc 1709]. The Survivors' Committee joins and incorporates herein the Debtor's Objection as it relates to the issues involving the Survivors' Committee.

WHEREFORE, the Survivors' Committee request that the Motion be denied and that the Court grant such relief as is just and proper.

Respectfully submitted,

PACHULSKI STANG ZIEHL & JONES LLP

Dated: November 30, 2021

/s/ Ilan D. Scharf

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CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2021 a copy of the foregoing *Objection of the Additional Tort Claimants Committee of Sexual Abuse Survivors to TIG Insurance Company's Motion to Compel Discovery from the Additional Tort Claimants' Committee of Sexual Abuse Survivors* was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on November 30, 2021, a copy of the foregoing *Objection of the Additional Tort Claimants Committee of Sexual Abuse Survivors to TIG Insurance Company's Motion to Compel Discovery from the Additional Tort Claimants' Committee of Sexual Abuse Survivors* was served via electronic mail to the following:

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/s/ Meredith R. Theisen

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